

10/22/97



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

October 22, 1997

In re Application of: Byoung Se Kwon  
Serial No.:  
Filed: October 22, 1997  
For: NEW RECEPTOR AND RELATED PRODUCTS AND METHODS  
Art Unit:  
Docket No.: IND4-DI1B

Box FWC  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**FILE WRAPPER CONTINUATION APPLICATION  
FILED UNDER 37 CFR §1.62**

This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a:

- ☒ continuation
- ☐ divisional
- ☐ continuation-in-part
- ☐ attached is an amendment for added subject matter

of copending prior application No: 08/461,652 filed on 6/5/95 for NEW RECEPTOR AND RELATED PRODUCTS AND METHODS wherein the name of the original applicant and his current residence, citizenship and correspondence address are listed below:

- 1. Full Name of Inventor: Byoung Se Kwon
- 2. Residence: Carmel, Indiana
- 3. Citizenship: U.S.A.
- 4. Post Office Address: 18 Mountain Ash, Carmel, Indiana 46033

The above identified application, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR §

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1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

## INVENTORSHIP STATEMENT

(A) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out and the inventor(s) in this application are

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(Name of Inventor to be deleted)

(B) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. This respect to the prior application whose particulars are set out above the inventor(s) in this application are:

☐ the same

☐ add the following additional inventor(s)

(C) The inventorship for all the claims in this application are:

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

## DECLARATION OR OATH

(A) Continuation or divisional

☒ none required

(B) Continuation-in-part

☐ attached and executed by (check all applicable items)

☐ inventor(s);

☐ legal representative of inventor(s) 37 CFR 1.42 or 1.43;

☐ joint inventor or person showing a proprietary interest for inventor who

refused to sign or cannot be reached 37 CFR 1.47;  
☐ This is the petition required by 37 CFR 1.47 and the statement required  
 by 37 CFR 1.17 is also attached;  
☐ not attached

# **IDENTIFICATION OF CLAIMS FOR FURTHER PROSECUTION**

The fees to be charged are to be based on the number of claims remaining as a result of  
 the:

☐ attached preliminary amendment.

☐ the unentered amendment filed under 37 CFR 1.116 in the prior application,  
 which is now repeated.

☒ the claims as on file in the prior application.

## **Fees Calculated as Follows:**

	No. Claims	Less	Claims	=	No. Extra	Times Fee	=	Fee
Basic Fee				=			=	\$790.00
Total Claims`	7		20	=		\$ 11	=	
Independent Claims	4	3	1	=		\$82	=	\$82.00
Mult. Dependent Claims				=		\$125	=	
Assignment Recording Fee				=		\$ 40	=	
Extension of time to reply:								
<input type="checkbox"/> One Month						\$ 55		
<input type="checkbox"/> Two Months						\$190		
<input type="checkbox"/> Three Months						\$450		
Other:								
Total Fees:								\$ 872.00

☒ A check is attached hereto for the above fees in the amount of \$872.00.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required,  
 or credit any overpayment to Deposit Account No.02-0910. **A duplicate of this  
 transmittal is attached.**

**PRIORITY - 35 U.S.C. § 119 & § 120**

The foreign priority benefits are claimed under 35 USC §119(a)-(d) of any foreign application(s) for patent or Inventor's certificate listed below:

Number	Country	Date Filed	Priority Claimed

The benefit under 35 USC §119(e) is hereby claimed of the following United States provisional application(s):

Application No.	Filing Date
60/	

The benefit under 35 USC §120 is claimed of the following United States patent application(s):

Application No.	Filing Date	Status
08/461,652	6/5/95	Pending
08/012,269	2/1/93	Pending
07/922,996	7/30/92	Pending
07/267,577	11/7/88	Abandoned

[X] Amend the specification by replacing the paragraph after the title with the following paragraph:

"This is a continuation of co-pending application serial no. 08/461,652 filed June 5, 1996, <sup>now abandoned</sup> which is a continuation-in-part of co-pending application serial no. 08/012,269 filed February 1, 1993, which is a continuation-in-part of co-pending application serial no. 07/922,996 filed July 30, 1992, which is a continuation-in-part of co-pending application serial no. 07/267,577 filed November 7, 1998, now Abandoned.

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### **MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION**

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until
- ☐ A copy of the petition for extension of time in the **prior** application is attached.
- ☒ No extension of time for response in the **prior** application is required.

### **CONDITIONAL PETITIONS FOR EXTENSION OF TIME IN PRIOR APPLICATION**

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
- ☐ A copy of the conditional petition for extension of time in the **prior** application is attached.

### **ABANDONMENT OF PRIOR APPLICATIONS**

- ☒ Please abandon the prior application, identified in the amendment to the specification set forth above, at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time please add the words "now abandoned", after the identification of the prior application serial no. 08/461,652, to the amendment to the specification set forth above.

### **ASSIGNMENT**

- ☒ The prior application is assigned of record to: Indiana University Foundation, Inc.
- ☒ and is recorded in the PTO at: Reel: 7520 Frame: 0315

### **POWER OF ATTORNEY**

The power of attorney in the prior application is to:

Christopher A. Michaels Registration No. 34,390

- a. ☒ The power appears in the original papers of the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ Recognized as associate attorney or agent:

d. ☐ A new power of attorney designating the following attorneys and agent is included in the inventorship statement submitted herewith:

Michael F. Brown Registration No. 29,619

Christopher A. Michaels Registration No. 34,390

e. ☒ Address all communications to:

Christopher A. Michaels, Reg. No. 34,390

Brown, Pinnisi & Michaels, P.C.

400 M&T Bank Building - 118 North Tioga Street

Ithaca, New York 14850-4343

Date: 10/22/97

  
Christopher A. Michaels, Reg. No. 34,390

Brown, Pinnisi & Michaels, P.C.

400 M&T Bank Building - 118 North Tioga Street

Ithaca, New York 14850-4343

Voice: (607) 256-2000 Fax: (607) 256-3628

bbm@lightlink.com

**CERTIFICATE OF EXPRESS MAILING**

EXPRESS MAIL NO: EM170921383

DATE: 10-22-97

I hereby certify that this paper of fee is being deposited with the U.S. Postal Service's Express Mail Post Office to Addressee service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Judy H. Barron